(25)

HIGH COURT OF CHHATTISGARH AT BILASPUR

M.C.C. No. 254 of 2007

PETITIONER : State of Chhattisgarh Through: Secretary Transport Department D.K.S. Bhavan RAIPUR (C.G.)

VERSUS

RESPONDENTS :
1. Chhattisgarh Rajya Parivahan Kamachari Maha Sangh, Raipur, Registered under Registration No. 183/RYP/74, Raipur (C.G.), Regd. Office New Bus Stand, Pandri, Raipur (C.G.) Through its General Secretary Avadesh Pratap Singh.
2. Avadesh Pratap Singh (Ex. Booking Agent, MPSRTC, Raipur Depot No. 1. Presently on Deputation to Nagar Panchayat, Lavan as Asstt. Gr. III.
3. Narayan Prasad Sharma S/o Shri Jagannath Prasad Sharma, (Ex. Conductor, MPSRTC) Presently posted as ASstt. Revenue Inspector, Kashdol, Distt.: Raipur (C.G.) R/o Azad Chowk, Bramhan Para, Raipur (C.G.)
4. Iqbal Ahmed, S/o Shri Mery Khan (Ex. Driver, MPSRTC), Presently posted as Driver in the State Garage, Govt. of Chhattisgarh, Raipur, R/o Moudhapara, Raipur (C.G.)

APPLICATION PRAYING FOR MODIFICATION OF THE ORDER DATED 6TH JULY 2006 PASSED BY THIS HONOURABLE HIGH COURT.

SB: Hon'ble Shri Satish K. Agnihotri, J.

Present: Shri Sumesh Bajaj, Government Advocate for the petitioner/State.
Shri Prashant Jaiswal, Senior Advocate with Shri Ali Asgar, Advocate for the respondents.

ORDER

(Passed on 06th day of August, 2007)

1. This is an application for modification of the order dated 6th July, 2006. Learned counsel appearing for the respondent in the writ petition No. 3064 of 2004, the applicant in this petition, submits that due to typographical mistake, para 10 of the reply dated 06.01.2006 filed by the State, does not reflect the correct position of the policy framed by the State for rehabilitation of the existing employees working with the erstwhile Madhya Pradesh State Road Transport Corporation.

2. It is further submitted that unfortunately, this could not be pointed out at the time of hearing of the writ petition. The policy dated 11.03.2003 provides for rehabilitation not the absorption of the existing employees working with the erstwhile Madhya Pradesh State Road Transport Corporation. Learned counsel submits that the order dated 06th July, 2006, be accordingly amended and the contents of para 3 of the said order be modified to the extent that "the State of Chhattisgarh is directed to consider the case of the petitioners for rehabilitation and deputation".

3. Learned counsel appearing for the petitioners, non-applicant herein, would submit that the State has already taken more than three months in seeking amendment of the order dated 6th July, 2006. Thus, no indulgence could be shown to the authorities.

4. Be that as it may. Since the policy dated 11.03.2003 is clear and it is admitted by the learned counsel that by mistake it could not be pointed out during the course of hearing, the State of Chhattisgarh is directed as above and the State Government is further directed to consider the case of the petitioner in accordance with their policy decision within a period of 6 weeks from today.

5. This order shall not come in the way of subsequent decision taken by the State Government to absorb employees, if so desired.

6. In view of the above, this application stands disposed of.

Sd/-
Satish K.Agnihotri
Judge

Amit